

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Claim 18 has been amended so as to correct an inadvertent grammatical error. Claim 35 has been amended so as to include an inadvertently deleted phrase and overcome the Examiner's rejection under 35 U.S.C. 112, first paragraph. Both of these amendments should be entered for purposes of appeal in that they reduce the issues on appeal.

With regard to the prior art rejection, Applicant respectfully requests the Examiner to reconsider this rejection.

Independent claim 18 sets forth with specificity that the first laser module is a short-wavelength diode laser and the second laser module is a long-wavelength erbium:YAG laser. Neither of the references cited by the Examiner, U.S. Patent 6,350,123 or U.S. Patent 7,144,248, teach, disclose, suggest or render obvious the medical tool as now claimed in independent claim 18. Neither of the references teaches the use of both of the lasers of different wavelength in association with a single handpiece as now claimed. Accordingly, it is respectfully submitted that independent claim 18 patentably defines over the cited prior art references.

Independent claim 35 sets forth a first light guide and a second light guide wherein both light guides pass through the handpiece of the medical tool and the first laser module is connected to the first light guide and the second laser module having a wavelength different from the first laser module is connected to the second light guide. Again, neither the '123 patent nor the '248 patent teach, disclose, suggest or render obvious the structure of the medical tool as claimed in new independent claim 35.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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